HOTEL LOBBY GLEANINGS

H. B. TALLEY, OF COAL BLUFF MIN-ING COMPANY, IN THE CITY.

Shot-Firing Proposition-Other Stories from the Lobbies.

H. B. Talley, of Terre Haute, who is identified with the Coal Bluff Mining Company, of which his father, J. Smith Talley, Carey, manager of the New Home Sewing is president, was in the city yesterday. Mr. Talley said the settlement of the differences between the operators and miners on the shot-firing question was generally satisfactory, and that he does not apprehenid any further difficulty.

"Under the terms of the agreement," he said, "a commission is created consisting of one miner, one operator and Professor Thurston, of Cornell University, which will inspect the so-called dangerous mines and decide in which ones shot firers shall be employed. The operators of these mines will then pay to the miners' unions one-'quarter of a cent a ton on all screened coal and two-fifths of a cent a ton on all minerun coal, and with this money the unions will employ the shot firers. The operators will have nothing to do with the shot-firing. "The whole controversy arose over the interpretation of a verbal agreement which was made here by representatives of both sides at the miners' and operators' conventions. The operators understood that the miners were to employ the shot firers in consideration of the advance in the scale. while the miners contended that if they employed shot firers they were to have additional pay. Shot firers are not necessary in all the mines; it is only in those that are dangerous because of gas and dust."

GROWTH OF MARION.

A. C. Alexander Declares It Has Been Most Remarkable.

A. C. Alexander, of Marion, who is regarded as the leading candidate for the place on the State Board of Tax Commissioners, made vacant by the expiration of real estate is held in his wife's name. the term of John C. Wingate, of Wingate, was a guest at the Spencer House last night. Mr. Alexander declined to discuss his candidacy other than to say he was hopeful of receiving the appointment. It is understood he is here to see Governor Durbin to-day, and the wiseacres around the Statehouse yesterday were predicting that the question as to who will be the new tax commissioner will be settled before the week is out. The Governor will be at his desk to-day for the first time since last Saturday, and a long list of executive appointments are expected within the next

Although he would not talk politics Mr Alexander was not loath to tell of the gratifying business conditions in "Marvelous Marion," as the city was known at the height of the gas boom in the nineties. "Marion has made a record in the last thirty months that cannot be equaled by any other Indiana city," he said. "An accurate census has just been completed, and it shows that we have almost 9,000 more inhabitants than is shown by the official census of 1900. That is a gain of about 50 per cent. It is attributed to the development of the old field around Marion, which is not really a boom in spite of the remarkable increase in population it has brought. The oil industry in Grant county is not a matter of speculation and wildcatting; it is firmly established and it is growing steadily. It has brought a wonderful amount of business of all kinds to Marion. Why, there are almost as many people on our streets, in the center of the city, as there are on the streets of Indianapolis during business hours.

Senator Goodwine in Town.

Senator Fremont Goodwine, of Williamsport, whose political intentions are causing the prospective candidates for the Republican nominations for Governor and Lieutenant Governor some little concern, was in the city yesterday. Senator Goodwine has been mentioned as a candidate for both offices, but the only indication as to his plans that he would give last evening at the English was to say that he will Senate. It is understood that Judge O. P. Lewis, of Covington, will be a candidate for Goodwine's seat in the Senate. Lewis served an apprenticeship in lawmaking in the House during the last session of the

Greencastle's New Courthouse. "We can almost see our new courthouse," said Mayor John H. James, of Greencastle, who was in the city yesterday. "Plans will be submitted to the commissioners on the 20th of this month, and the contracts will be awarded immediately after the plans have been accepted. The County Council has appropriated \$150,000 for the building. and we ought to have our new courthouse within a year.

'You won't know Greencastle when our old landmark has been torn down and a handsome new building erected in its place. The only thing about the old building that will be preserved will be a large photograph of it, which will be framed and hung in the loss of \$200 yesterday noon. The cigar store courtroom of the new building."

On an Inspection Trip.

A party of officials of the Louisville division of the Pennsylvania Railroad were at the Grand last night. The officials were on their annual spring inspection tour of the division, and had worked as far as Edinburg yesterday, running in to Indianapolis over night. In the party were Superintendent B. W. Taylor; N. C. Bennett, trainmaster; W. M. Eggleston, division operator; C. S. Brandt, captain of police; J. J. Cox, supervisor of signals; P. E. Morris, road foreman of engineers; Paul Jones, engineer of maintenance of way; C. C. Murray, claim agent; G. B. Davis, dispatcher and D. B. Johnson, engineer of maintenance of way of the Indianapolis division.

Represented Parke County.

Representative Elias H. Owen, of Rockville, was at the English yesterday. Mr. terms in the House, During the last session he occupied an important position at the head of the committee on county and township business. He said yesterday that he had not decided whether he would seek

re-election. An Ardent Shideler Man.

Judge Hiram Brownlee, of Marion, was in men in the Eleventh district, and at a recent meeting in Marion at which the Republicans gave the Shideler gubernatorial boom a rousing start he made the speech of the evening, eulogizing the prospective candidate in glowing periods.

English's New Mail Clerk.

D. J. Sullivan, formerly connected with at the English. Mr. Sullivan comes to the English from the Hotel Anderson in Pittsburg.

Visitors in the City. Dr. George F. Keiper, of Lafayette, is in the city to attend the medical conventions

George H. Gifford, of Tipton, a former member of the State Senate, was at the Grand yesterday. Nicholas Filbeck, a well-known Repub-

at the Spencer yesterday. Adam Beck, of Huntington, Republican state committeeman of the Eleventh district, was in the city yesterday. John R. Bonnell, of Crawfordsville, revenue collector of the Terre Haute district,

lican politician of Terre Haute, was a guest

was at the Columbia Club yesterday. Will Attend Burke Funeral.

the Elks lodge of this city, headed by the were returned to the owner by the police.

funeral. Several of them left last night, while others will go on the 7 o'clock train this morning. Several associates in the practice of law in this city and in the Irish societies will attend the funeral also. P. H. McNelis, M. O'Connor and others will represent the latter at the funeral.

ADOLPH KAHN'S ARREST.

Money Under False Pretenses.

Adolph Kahn, employed in Kahn Brothers' clothing store at 127 South East street, was arrested last night on a charge of false pretenses and released after he furnished a bond of \$200. Kahn is accused of having obtained \$50 from Benjamin F. Machine Company agency at 127 Virginia avenue in this city, by having represented himself to be Aaron Kahn and signed that that Adolph Kahn is not Aaron Kahn and that he has no funds on deposit in the Capi-

tal National Bank. Back of the \$50 check transaction is a story of misplaced confidence in a game of poker. The story as told by Carey is that he was an onlooker of a game of poker played recently in which Kahn was a heavy loser. During the progress of the game Kahn went "broke" and the other players would not play with him unless he had cash. He asked Carey as an act of | the judges, in commenting on the case, said friendship to assist him in recovering the law really makes the workman a sort money already lost by advancing him some money on his personal check. He assured Carey, according to the latter's story, that the signature of "Aaron Kahn" to a check on the Capital National Bank was good and that he really needed the money. Carey accommodated him, he says, but when he presented the check to the bank for payment it was refused and he was told that Aaron Kahn had no account there. Later Carey learned that the signer of the check was Adolph Kahn and that the court required the defendant company he did not have any money on deposit in any of the city banks.

Carey made an effort to recover his fund the \$50 before the affair became public employed Daniel Brown, an attorney, to collect it. Brown was unable to induce Kahn to pay back the money and the mat- lows: ter was submitted to the police depart-ment. Captain Gerber advised Brown to have a warrant sworn out for the arrest of Kahn on the charge of obtaining money inder false pretenses. Kahn is said to be a man of considerable means, but it is also said that most of his

HERRON ART INSTITUTE.

The Fund Has Grown Until It Now Amounts to \$260,000.

At the annual meeting of the Art Asso-Evans Woollen, secretary, spoke of the death of two members of the board of directors, Mrs. Anna Churchman and D. Erwin; of the gift of five pictures and of \$5,000 by Mr. Erwin, of one picture by Mrs. Augusta Severin and of four bought by the association. The school had 132 pupils enrolled during the year. He also reviewed the fact of the association having engaged Vonnegut & Bohn as architects for the new building, who are now working on the

Stanton, treasurer, reported that the John Herron fund had grown to \$260,000. which is divided according to the original plan into three parts, for the fine arts, for the building and grounds and for the art

Seven directors were elected to fill the unexpired terms and the vacancies caused by the death of Mrs. Churchman and Mr. Er-E. Coffin, Mrs. S. E. Morss, Mrs. Benjamin Harrison, Mrs. Booth Tarkington, Bement Lyman and John G. Williams. The board will meet April 14 to elect officers. Mrs. Sewall, Mrs. Edward F. Hodges and Evans Woollen were appointed to prepare a sketch of the association.

FIRE LOSS OF \$5,000.

J. C. Hirschman's Mattress Factory

Damaged This Morning. Fire of an unknown origin started in the basement of the J. C. Hirshman mattress factory, 112 North New Jersey street, at 1:30 this morning, causing a loss of about \$5,000. The basement was filled with feathers, cotton and excelsior and the flames gained much headway before the fire department arrived. Several streams of water were thrown on the fire and in a short time it was under control. The entire building was filled with smoke, which added to the loss. The loss was covered by in-

CITY NEWS ITEMS.

The Rev. Denis McCabe, pastor of Holy Cross Catholic Church, on North Oriental street, is improved slightly. He has been seriously ill at the parochial residence with pneumonia, but the physicians announced yesterday that his condition is greatly improved and that he is out of danger. One of Flanner & Buchanan's wagons

was damaged considerably yesterday by a team of black horses hitched to it running away from where they were hitched at 1929 College avenue. The team became frightened at a street car, and, after running several blocks, overturned the wagon and wrecked it. The horses were not injured. An overheated stove in the rooms of Mrs. Ollie Buser, a dressmaker on the second floor of 158 North Illinois street, caused a of E. H. Wells on the second floor was Mrs. Buser was inconsolable at her losspractically everything she owned. She car-

Dr. Maurice Lemon, formerly of this city, but lately a practicing physician in South Bend, Ind., is dead in Los Angeles, Cal. His body will be shipped to South Bend for burial under the direction of the lodge of Elks, of which he was a member. Dr. Lemon went West for his health several months ago, but his mind was injured by his complaints, and he was confined in an insane asylum in Los Angeles, where he

The Rev. G. A. Kienle has been formally installed as superintendent of the Deaconness Hospital by the board of directors to succeed the Rev. J. C. Peters. The Rev. Mr. Kienle for the last six years served as pastor of the Salem congregation at Huntingburg, Ind., and prior to that time he was pastor of Zion's Church at Lawrenceburg. Two years before his pastorate at Lawrenceburg he preached at St. Louis. He received his collegiate education in Germany and his theological education at St.

Needs of Home of the Friendless.

The Home of the Friendless is one the oldest charities in Indianapolis, having self-supporting or until homes could be found for them elsewhere. In addition to this work the increasing demand for permanent homes for aged and indigent women within the past few years has led this institution to establish such

a department, and the appeals for admission to the home during the past two years by women unable to pay the entrance fees charged by other institutions or for other reasons, have been beyond the capacity of the home. There have been fourteen aged women cared for in this department alone during the past winter, although death has claimed three within the year

The board of managers of the Home of the Friendless cordially invite all persons interested in this work to a tea to be given at the home, 1734 North Capitol avenue, on Saturday, April 11. Cookies and fancy work suitable for Easter gifts will be on sale, and the house will be open to the

inspection of the public. Mahoney Had Many Bruises.

Denny Mahoney, aged twenty-seven, betplied to the City Dispensary for treatment of several bruises he bore. Mahoney looked as though he had just emerged from a fight, but he claimed he had fallen out of the buggy and hurt himself. The City Dispensary physicians set a dislocated arm for him, and also dressed a broken jaw, which James E. Burke, in Jeffersonville to-day. he said was caused by striking the wheel of set aside a judgment taken against a man the buggy as he fell. Mahoney was under in his absence, if his absence is excusable. the influence of liquor, and was locked up by Bicyclemen Duncan and Askin on the

HELD TO BE UNCONSTITUTIONAL BY SUPREME COURT.

Operators and Miners Agreeing on the Is Accused by B. F. Carey of Obtaining | Case Fought by the Republic Iron and Steel Company-Other High Court Decisions.

> The weekly wage payment law, enacted by the General Assembly of 1899, is held to be unconstitutional in a decision handed down by the Supreme Court yesterday in a test case brought by the state factory inspector for the State against the Republic name to a check for \$50 on the Capital Na- Iron and Steel Company, of Muncie. The rant for Kahn's arrest, and in it charges of Section 1, Article 1, of the state Constitution, known as the bill of rights, and the fourteenth amendment to the United States Constitution, denying a State the power to deprive a citizen of life, liberty

or property without due process of law. In the opinion of the Supreme Court the law deprives a wage earner of the right and liberty of making a contract. One of of slave, or, at least, puts a guardian over him and interferes with his personal Four New Companies, with Capital

The test suit was brought in the Delaware Circuit Court to compel the Republic Iron and Steel Company to pay wages weekly and to pay William Haverstick \$96.95 back wages. The State won the suit and to pay \$48.45, a 50 per cent. penalty, into the common school fund. The decision of the Supreme Court. Chief Justice Hadley | alone amounted to \$1,000,000. wrote the opinion, which is in part as fol-

"Appellant (the company) is authorized to contract and be contracted with as a natural person and we must therefore asin the exercise of its police power the right of all persons to the equal protection of the laws and to the due process of law. "The right to a sustenance, and to acquire property, and to make treaties in re-

lation thereto, is liberty in the constitutional LABOR IS PROPERTY. "Labor is property; it is exchangeable for food and raiment, and comforts, and ciation at the John Herron Art Institute, | may be bought and sold, and contracts cerning any other property.

"The question, therefore, arises is the ar-

bitrary denial of the right to exchange money for labor-one class of property for another-in matters which affect no public interest-an unwarrantable interference with the right of contract and a depriving of the person of liberty and property without due process of law? "The only rational grounds upon which it is claimed there may be legislative interference with freedom of contract for lawful purposes is in the exercise of that undefined, reserved force of the people known as the police power. There is a divergence of view as to the proper scope and application of this power, but all au-

exerted only in behalf of some general public interest as distinguished from individuals or classes-that is to say, to protect the public health, safety, morals, prevent fraud and oppression and promote the general welfare. "It is not to be invoked to protect one class of citizens against another class unless such interference is for the real protection of society in general. As farreaching and flexible as the power has often been held to be, it is nowhere claimed for it that it may override the Constitu-

thorities seem to agree that it may be

tion and strike down a right that has been solemnly and expressly guaranteed by the fundamental law. "The Legislature has exclusive authority to make laws setting it in motion and regulating its exercise. * * * But when the power is used for the purpose of regulating a business occupation or employ ment which in itself is lawful and useful to the community it becomes the duty of the court when called on to decide whether the particular regulation is just and reasonable and in harmony with the constitutional guaranties, or whether it is an unwarrantable invasion of the protected rights of the citizen to pursue such busi-

ness or employment upon terms of his own choosing. "The attorney general endeavors to justify the law upon two grounds-(1) the wage earners are not upon an equal footing with employers, and opportunities for oppression and consequent public suffering ensue, and (2) thrift, being beneficial to the community, it should be encouraged by enabling workmen to pay cash for current demands, which can only be done by re-quiring frequent payment of wages.

ARBITRARY INVASION. "Assuming all these things to be true, they do not of themselves justify the arbitrary invasion of the personal rights and liberty of the citizen. Liberty to contract on one's own terms, to decide for himself his own employment, to buy and sell, to exchange one belonging for another are

among his most cherished rights. * * * "The contract prohibited affects employer and employe alike. If the master can employ only upon terms of weekly payment the workman can find employment on no other terms. "The statute places the wage-earners o the State under quasi guardianship. It classes them with minors and other persons under legal disability, by making their contracts void at the pleasure of a public officer. It tends to degrade them

as citizens by impeaching their ability to take care of themselves. It is paternalism pure and simple, and in violent conflict with the liberty and equality theory of our The case was regarded as a very important one by the labor interests of the State. and it has been followed closely by the leaders. State Labor Commissioner McCormack, who has had much to do with the law because it gives him the

power to suspend its enforcement in an establishment where a majority of the employes petition to that effect, believes that the decision of the Supreme Court is a death blow to labor.

LABOR COMMISSIONER TALKS. In a statement which he gave out yes-

which will be recognized some day by the

with the liberty of private contract. It is not a private contract when one man or dren may be sick and in need of food. A private contract contemplates that both parties are of a free mind and on the same footing. It is not a private contract, it is duress. There are new equities. "Labor is property, the opinion says. That is true; but it is something more. A

man is more than a hog. He is an intelligent being who has a place in society, and whose children become citizens of the State. The decision will relieve me of much work, but it was work I was glad "Just this morning I had letters from

workmen complaining of the way employers had told them they could go elsewhere if they did not like the conditions under which they would not be paid once a week. "What was the man to do? He needed work. I find that the large majority of the employers are humane, and treat their employes well, but now and then there is an employer who will take advantage of workmen, because of the overthrow of this aw and try to grind them down. As I look at it, the law secured to many workmen the enjoyment of their liberty, instead of depriving them of it. The decision wil make more Socialists."

Judgment May Be Set Aside.

Under the decision of the Appellate Court yesterday, in the case of R. K. Syfers et al., wholesale grocers, against Samuel A. Kei-The decision affirms the judgment of the Tipton Circuit Court in setting aside a Tipton Circuit Court in setting aside a February, 1884, was appointed to the posi-judgment of \$243.90 obtained by Syfers et al. tion held at the time of his death.

against Keiser. The latter, whose home is in Noblesville, was in Marion at the time the suit against him. It was claimed that he was notified by long distance telephone that the suit would come up, but he testified that he had received no such message. When he appeared he made a motion to set aside the judgment, which was sustained, and in his answer to the complaint claimed that the plaintiffs owed him over \$900. The Appellate Court says the evidence in the case is conflicting, but that the burden of the testimony supports the

verdict of the lower court. In the case of George A. Rich, administrator, vs. the E. & T. H. Railroad Company for damages for the killing of Joseph N. Rich at a crossing in 1901, the Appellate Court yesterday affimed the decision of the Sullivan Circuit Court in holding that the complaint of the plaintiff was bad because it did not show that Rich took sufficient precautions against accident.

Residence Not Proved.

The Supreme Court yesterday reversed the decision of the Pulaski Circuit Court in granting Elizabeth Becker a divorce from Charles Becker. The Supreme Court orders the plaintiff's residence was not proved by

INVESTMENTS SHOWN BY FILING OF INCORPORATION PAPERS.

Aggregating \$1,000,000-The Industries Represented.

money, and in order to induce Kahn to re- the lower court is reversed by the action of stock, and the combined capital of four jury again.

sume at the beginning that in its legisla-tion the State is bound to recognize even The Central Union Building and Loan Ascorporators: R. M. Hollingsworth, Albert | Martin was indicted for the same offense. Bremthinger, S. C. Stimson, J. C. Stimson,

> The Edinburg Building Association, Edinburg; capital, \$200,000; incorporators, Henry Maley, J. R. Mutz, A. W. Winterburg, J. M. Breeding, Antone Bossmeier, C. Davis, Jerry Hyde, Martin Lynch, H. V. Goodrich, M. G. Deming, J. A. Thompson, W. E. Downs, W. D. Pritchard and John

Goldthwaite & Sons Company, Marion department store; capital, \$100,000; incorporators, Martha E., William E., Frank B., Lucy, Alice and Emma Goldthwaite. The Indiana Harbor Yacht Club, Indiana James S. Jones, C. E. Fowler and Joseph The Economy Glove Company, Fort Wayne, capital stock increased from \$4,000

The Sugar Fork Gas Company, Madison county; capital stock, \$2,000; incorporators, John Starr, Abraham Stohler, Henry S. Stohler, Rachel Snowberger, James A. Stinson and Henry Sheets. The Clifton-Ryan Construction and Manufacturing Company, Peru; capital, \$20,000; incorporators, John Clifton, Charles Clifton, Emil Danielson and W. S. Ryan.

The Lawton Manufacturing Company,

Wabash; capital, \$50,000; incorporators, C. H. Lawton, N. H. Bledson and John R. People's Union Telephone Company, Pekin, capital stock increased from \$2,000 The Bright & Binkley Coffee Company, Indianapolis, changed name to John B.

Bright & Son, Inc. The King Oil Company, Marion, increased its capital stock from \$8,000 to \$14,-The Union Loan and Trust Company, of Sheridan; capital, \$25,000; incorporators, John H. Cox and sixty-one others. The Patriot & North Telephone Com-pany; capital, \$5,000; incorporators, Daniel Mead, E. E. Gregory, H. Warner, H. M. Douglas, H. Schroeder, Arthur Douglas, James Strack and John D. North, jr. West Terre Haute Improvement Company, Terre Haute; capital, \$10,000; incorporators, James C. Stimson, L. P. Luckett, S. C. Stimson, Burton Cassidy and W. H.

HOME DRESSMAKING HINTS.

Etherington.

By MAY MANTON. Dainty blouses, made with insertions of embroidery or lace, will be greatly worn during the summer months and are already made available with handsome tailor suits. The very pretty model shown is made of white batiste, with insertion of embroidery applied between tucks, and is held at the front by tiny pearl buttons, but the de-sign is suited to all the season's materials, linen, cotton, silk and soft wools. The original is unlined, but the fitted foundation is an improvement to silk and wool fabrics. The foundation lining is smoothly fitted

and closes at the center front. On it are



4383 Blouse or Shirt Waist.

32 to 40 bust. TO BE MADE WITH OR WITHOUT THE

"It is a blow to labor, but particularly to | waist proper that are laid in tucks, between unorganized labor. Organized labor is able and under which the trimming is applied to protect itself to a large extent, and The back is without fullness, but the fronts prevent practices in wage payments in- are gathered at the waist line. The closing jurious to the employe. There are new is made at the left of the center. The equities not recognized in the opinion, but | sleeves are the new bishop sort that are tucked above the elbows and allowed to form soft full puffs below. At the neck is a novel stock in clerical cut.

The quantity of material required for the medium size is 5 yards 21 inches wide. company worth a million dollars offers a yards 27 inches wide, 3% yards 32 inches workman \$1.50 a day, whose wife and chil- wide or 214 yards 44 inches wide, with 6% yards of insertion to make as illustrated. The waist pattern 4383 is cut in sizes for a 32, 34, 36, 38 and 40-inch bust measure.

For patterns of garment illustrated above send 10 cents (coin or stamps.) Cut out illustration and inclose it in letter. Write your name and address distinctly and state number and size wanted. Address Pattern Dept., The Journal, Indianapolis, Ind.

Allow one week for return of pattern.

ing to grant the increase demanded. There are still about sixty-five tinners on strike. however, and they say they will remain out until the increase is granted them. The strike situation of the cigar makers

and bricklayers remains unchanged, and,

although the cigar makers and manufac-turers are still holding conferences, no agreement has been reached. Another Veteran Gone. Nicholas Bartlett, treasurer and secretary of the Lake Shore road, died at Cleveland vesterday. He was nearly eighty-one years ice of that company fifty years. He was born in Waltham, Mass., Sept. 20, 1822, and entered railroad service April 1, 1853, as freight clerk in the general offices of the road at Cleveland. On March 19, 1867, he

was appointed assistant treasurer, and in

JURORS IN ALEXANDER CASE WERE IMPROPERLY DRAWN.

Defective Indictments Against Christian Science Healers Will Be Replaced by Good Ones.

County Prosecutor Ruckelshaus said last night that he would consult with W. T. Brown, who is assisting the State in the prosecution of Dr. Alexander, before deciding in regard to a new venire for the Alexander case. Jury Commissioner Steele, who drew the venire, seems to have setional Bank. Carey swore out the war- court holds that the law is in violation a new trial in the case, on the ground that lected the most of his men from the city. While there is no objection to city men on the jury it is pointed out that the law provides that jurors must be selected from the different county commissioners' districts. Steele instead selected them in this case with regard to population.

CHRISTIAN SCIENCE HEALERS.

Defective Indictments Against Two

Are Quashed. Judge Alford, of the Criminal Court, yesterday sustained a motion to quash indictments again Anna Dorland and Laura Dismissed by plaintiff. Judgment against Funk, charged with practicing medicine without a license. The action was taken on purely technical grounds, it is understood, the indictments having been drawn under The office of the secretary of state did a | an old law. They failed to allege that the rushing business yesterday with new cor- women were residents of Marion county. porations. Fifteen companies filed articles | Prosecutor Ruckelshaus says the cases will of incorporation or increased their capital | be brought to the attention of the grand

The grand jury yesterday made a partial The Evansville Telephone Company, of report in the Criminal Court, returning in-Evansville, was the largest of the new con- dictments in a number of cases that will cerns, its capital stock being \$390,000. There | be tried Friday. One of those against were 390 names signed to the articles, whom indictments were returned was sociation, of Terre Haute, came next with | indicted on the charge of grand larceny a capital of \$300,000 and the following in- and receiving stolen goods, and William F. L. Sweet, William Clarke, W. B. Steele | the death of the infant child of a Mrs. and J. M. Landrum. The other companies | Knoope a few weeks ago. Mrs. Dorland is said to be a leader among the Christian | made in relation thereto the same as any | ing gathered and plaited around the waist Scientists of Indianapolis.

How Oldendorf Was Hurt.

A year ago yesterday Theodore Oldendorf walked into an elevator shaft in the Claypool building at Illinois and Washing- from making a contract whereby he may ton streets. He was injured and began ; find lawful, needed and satisfactory emsuit for \$10,000 damages against Edward F. Claypool. The case went to trial before a jury in Room 3, Superior Court, yester-Harbor; incorporators, John A. Bryden, day. The evidence developed that on the day of the accident the elevator push button on the first floor of the building was out of repair and an electrician was called to mend it. In doing so he opened the door to the shaft, sliding it about half way back. While thus engaged Oldendorf walked into the building with the intention of taking the car to an upper floor. He saw the door was open and supposing the elevator car was there stepped into the

Charges Bigamy.

Edward L. James began an action for divorce against Mamie James yesterday, alleging that she contracted a bigamous mar-

Henry Cronk's Will. The will of Henry Cronk, who died at the

age of eighty-six years, was probated in the Circuit Court yesterday.

THE COURT RECORD. SUPERIOR COURT. Room 1-John L. McMaster, Judge. Lucy Depuy vs. George Depuy; divorce. Plaintiff dismisses complaint. Defendant dismisses cross-complaint. against plaintiff for costs, except costs of cross-complaint. Judgment against defendant for costs of cross-complaint. John Barker vs. the Puritan Bed Spring Company et al.; mechanic's lien. Finding for defendant on complaint. Finding for

plaintiff on cross-complaint. Judgment against plaintiff for costs. Room 2-James M. Leathers, Judge. Burnet-Lewis Lumber Company vs. Louis Schrieber et al. Submitted to court. Evi-

dence heard. Taken under advisement. Room 3-Vinson Carter Judge. Theodore Oldendorf vs. Edward F. Claypool; damages. On trial by jury. CRIMINAL COURT.

Fremont Alford, Judge. Stoll vs. Levi Dix; assault and battery. Appeal from justice of the peace. Evidence heard and finding of not guilty. CIRCUIT COURT. Henry Clay Allen, Judge. Ella Nora Fletcher vs. William

Fletcher. Submitted to court, etc. Finding for plaintiff. Decree of divorce. Order forbidding marriage for two years. C. S. Goar, M. D., vs. Wilbur Dark, administrator. Claim settled and dismissed at cost of estate. Dr. G. H. F. House vs. Anna J. Walter's Estate. Claim submitted to court, etc. Finding for claimant. Claim allowed for \$14.75 at cost of estate. City of Indianapolis vs. George Barnhardt; appeal from city Police Court. Dis-missed by plaintiff. Judgment against City of Indianapolis vs. Prudence Cox.

"A LA SPIRITE"

plaintiff for costs. NEW SUITS FILED. Nancy Metheany vs. Irene Randall; mort-Superior Court, Room 3. Edward L. James vs. Mamie James; divorce. Circuit Court. Sadie Carlin vs. Harry M. Carlin; divorce. Circuit Court. Robert B. Keith vs. Cora E. Kane et al. mortgage. Superior Court, Room 1.

HIGHER COURTS' RECORD. SUPREME COURT.

Phoebe Booth vs. Walter E. Booth; sul

on note. Superior Court, Room 3.

20045. Becker vs. Becker. Pulaski C. C. Reversed. Monks, J.-In actions for divorce resident freeholders and householders of the State," as required by statute. of Indiana. Delaware C. C. Reversed. Hadley, C. J.-1. The act of Feb. 28, 1899, known as the weekly wage law, is uncon-The women were indicted as the result of stitutional and void. 2. It is only necessary were but an indication of the ever-increasthat the general subject of an act of the Legislature be expressed in its title. Labor is property, and contracts may be other property. 4. To justify the Legisla-ture in interfering with private contracts by statutory enactment, the statute must be responsive to some public necessity, suitable to subserve it, and reasonable in its operation upon the persons whom it affects. Any law or policy that disables a citizen

> ployment is unreasonable. 19863. Germania, etc., Insurance Company vs. Fitch. Vanderburg S. C. Petition for rehearing overruled per curiam. Where an insurance company, after a loss, has thrown the assured off her guard until it is too late to comply with the conditions of the policy, the assured is not thereby barred from recovering upon the policy. -New Case .-

20114. Joshua S. Sisson et al. vs. Joseph Carithers et al. Vanderburg C. C. Record. Assignment of errors. Joinder. Assignment of cross errors. Joinder in term. Bond. Submitted by agreement. -Minutes.-

19719. Mary A. Osborn vs. John T. Hocker. Hendricks C. C. Appellee's motion to retax costs.

APPELLATE COURT. 4313. Syfers vs. Keiser. Tipton C. C. Af-irmed. Robinson, J.—1. In setting aside a judgment for excusable neglect, unless the discretion of the trial court is abused therecount thereof. 2. Where the evidence is conflicting upon the material questions, this court cannot weigh it to determine the

4607. Rich vs. E. & T. H. Railroad Company. Sullivan C. C. Affirmed. Comstock. A railroad track is itself a warning of danger, and it is the duty of a traveler to exercise ordinary care in all cases when attempting to cross such tracks. 2. Knowledge that a train is due imposes upon a person crossing railroad tracks the duty of exercising a higher degree of care than if he is not in possession of such knowledge. 3. A traveler has no right to confine his precautions to trains scheduled to pass at a designated time; he must guard against "extra trains" and "wild trains" as well as regulars. 4. The conduct of a railroad company to relieve an injured party from

the exercise of ordinary care must be of an affirmative character. 4634. Jefferson Township vs. Adams Boone C. C. Dismissed 4076. Klein vs. Nugent Gravel Company. Gibson C. C. Appellee's petition for rehearing.

-New Case.-4777. Jacob A. Shipley vs. Harriet E. Smith. Morgan C. C. Record. Assignment of errors. Notice.

-Minutes.-

4076. Anthony J. Klein vs. Nugent Gravel Company. Gibson C. C. Appellee's petition and brief (8) for rehearing. 4641. The Edmunds Electric Commission Company vs. Horace Mariotte. Allen S. C. Appellee's brief (8.)
4659. The Indiana, Illinois & Iowa Railway Company vs. John C. Trinosky. Pulaski C. C. Appellee's brief (8.)
4703. Daniel W. Norton et al. vs. Robert Fisher et al. Marion S. C. Appellees' petition for oral argument. Appellant's application to amend as-

signment of errors. Affidavit and notice. Exhibit of Thirty Prize Gowns. The New York store was very fortunate be at the English and the sessions will be at the Manual Training and Shortridge

in being able to exhibit yesterday and the high schools.

day before thirty gowns from the National Dressmakers' Association recently shown at their convention in Chicago; also twelve Paris model gowns, which were on view at the Chicago exhibit. The gowns have excited great admiration wherever shown and were viewed by a large number of Indianapolis women during their brief showing in this city. They were all exceedingly handsome, the observer being immediately struck with the immense amount of work expended on each of them. The prize dress, made by Miss Hartwell of Omaha, was naturally the center of in-

terest. This gown was fashioned from pale

ALLSTRAIGHT

FRONT

MODELS

green Liberty satin, over robes of accor-dion-plaited chiffon in all the soft pastel shades. The bodice and the skirt yoke were entirely of delicate lace work in square medallion design, the same intriplaintiff must prove his residence by two cate lacy pattern being repeated on the flounce of the skirt, which fell over the full flare of the vari-colored ruffles. 19785. Republic, etc., Company vs. State price of the dress was estimated to be somewhere between \$700 and \$800. jority of these artistic creations were cut ing tendency toward full skirts and sleeves. A pale green dress from the celebrated Paquin had its skirt exceedingly full, beand further elaborated by silk and lace applications. The waist was a tucked blouse effect of white muslin with a full Eton. The sleeves were short and full,

being finished with knife plaitings of lace-

edged muslin, and the girdle was a folded band of bronze-colored silk, gold buttons The second prize gown, which was the work of Miss Wade, of Rock Island, Ill. was a handsome one, consisting of a skirt of black corded silk with a full flare and a coat, heavily appliqued with lace. The other gowns were all extremely rich and beautiful. The gowns will be taken from here to Cincinnati, where they will be placed on view, it being the idea of the National Dressmakers' Association that these exhibits will further the interests of their organization by comparison and

BOARD OF WORKS ROUTINE.

FINAL ACTION TAKEN. Cement walks and curb in Walden street, from Missouri street to the canal. Esti-Gravel roadway and walks in North street, from Highland avenue to Oriental street. Estimated cost, \$1,200 Cement walks and curb in English avenue, north side, from Laurel street east to State avenue. Estimated cost, \$2,150 Gravel roadway in first alley west of Central avenue, from Twenty-fourth street to Twenty-fifth street. Estimated cost, \$625.

Gravel roadway, cement walks, brick gutters and curb in St. Paul street, from Prospect street to a point 7711/2 feet south. ALL ACTION RESCINDED. Cement walks in Bell street, east side, rom Michigan street to North street.

TAKEN UNDER ADVISEMENT.

FINAL REMONSTRANCE FILED. Against the improvement of North street, from Highland avenue to Oriental street. Gravel roadway and walks as per Improvement Resolution 24, 1903.

PETITIONS FILED AND REFERRED TO THE ENGINEER. For gravel roadway, cement walks and stone curb in Cornell avenue, from Twentythird street to Twenty-fifth street. For grading to level of street the first street south of Wabash street, from Geisendorff street to Douglass street.

PAPERS ORDERED. For brick roadway in the first alley west of Capitol avenue, from Pearl street to Maryland street. For cement walks next to curb, soaded lawns, brick gutters and stone curb in Hoyt avenue, from Shelby street to State For gravel roadway, brick gutters, stone curb and cement walks in Woodlawn ave-

nue, from State street to Shelby street,

Teachers of Science. The eighth annual conference of science teachers of Indiana will convene in this city on April 24 and 25. Prof. W. A. Fiske, instructor of science in the Richmond High School, is president, and Prof. J. F. Thompizens' National Bank of Kokomo. Henry High School, is treasurer. President Fiske will speak on "Science and Character," and Prof. D. W. Dennis, of Earlham College, will give an illustrated lecture on "Plant Adaptation." Hezdquarters will

Where

Perhaps you know why you fail in the plans for money, fame and position.

Just why the brain does not produce practical money-making results is a puzzle to many

Strong, healthy, natural brains cannot be made from the food most men eat and good brains can't work sharp when slugged to weakness by coffee.

even good food. A distinct improvement in mental power will follow in a week or ten days after coffee is

left off and Postum taken on. The results are multiplied when the brain-building food, Grape-Nuts, is used twice a day. There are well established and very clearly understood reasons for these sure results from the change in food and drink. You can make Money, Position, Fame if you have the kind of Brain that works that way.

Postum well boiled produces a delicious beverage, satisfying and nourishing. Ouit drugging and poor food and Come Up Where You Belong.

Some don't.

Unsuccessful brains come from improperly selected food and from coffee drinking. Coffee affects the stomach and nerves, thence the brain, and prevents proper digestion of